



Honorable Linda B. Riegle
United States Bankruptcy Judge



**Entered on Docket
January 25, 2012**

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**ORDER GRANTING USACM
TRUST'S MOTION TO CLARIFY
THE RECORD REGARDING
CERTAIN DUPLICATE CLAIMS**

**Hearing Date: January 19, 2012
Hearing Time: 10:00 a.m.**

The USACM Liquidating Trust's Motion To Clarify the Record Regarding Certain Duplicate Claims [DE 9627] came before the Court for consideration at the hearing held on January 19, 2012. Due Notice of the hearing having been given, no responses having been received, and good cause now appearing,

IT IS ORDERED:

1. Granting the Motion [DE 9627];
2. The proofs of claim at issue here were disallowed in whole or in part as duplicate claims. Those claims were, however, previously allowed by the Court and thus there are arguably conflicting orders. In order to clarify for the record that

1 these proofs of claim should be treated as disallowed claims to the extent they are
2 duplicate of another allowed claim, IT IS ORDERED that the following orders are
3 deemed to be of no force and effect as they relate to the claims listed below them:
4

5 Order Granting USACM Trust's Motion to Allow Proofs of Claim Based
6 Upon Investment in the Amesbury Hatters Point Loan [DE 9492]:

- 7 ■ Claim No. 10725-00588 Humphry 1999 Trust
- 8 ■ Claim No. 10725-00866 Stephen Family Trust DTD 3/22/84
- 9 ■ Claim No. 10725-01111, Ernest W. Libman IRA
- 10 ■ Claim No. 10725-00517 Wallace III, William C. & Ann Marie K.
- 11 ■ Claim No. 10725-06140 Winkler IRA, Radolf

12 Order Sustaining First Omnibus Objection of USACM Trust to Proofs of
13 Claim Based Upon Investment in The Cabernet Highlands Loan [DE
14 9488]:

- 15 ■ 10725-00159 Chiappeta Trust Dated 4/1/03
- 16 ■ 10725-00346 John & Janet Marasz Trust Dtd 12/2/04
- 17 ■ 10725-00099 Murphy Family Trust

18 Order Sustaining Third Omnibus Objection of USACM Trust to Proofs of
19 Claim Based In Part Upon Investment in The Cabernet Highlands Loan
20 [DE 9490]:

- 21 ■ 10725-00315 Barroso, Pedro
- 22 ■ 10725-00316 Barroso, Pedro
- 23 ■ 10725-01716-2 Donna M. Cangelosi Family Trust
- 24 ■ 10725-00893 Joyce E. Smith Trust Dated 11/3/99

25 Order Sustaining Fourth Omnibus Objection of USACM Trust to Proofs
26 of Claim Based In Part Upon Investment in The Cabernet Highlands Loan
[DE 9491]:

- 27 ■ 10725-00317 Pedro L. & Carol A. Barroso Trust Dtd 11/29/90
- 28 ■ 10725-00318 Pedro L. & Carol A. Barroso Trust Dtd 11/29/90
- 29 ■ 10725-00319 Pedro L. & Carol A. Barroso Trust Dtd 11/29/90

30 Order Sustaining First Omnibus Objection of USACM Trust to Proofs of
Claim Based Entirely Upon Investment in the Cornman Toltec Loan [DE

9446]:

- 10725-00091 Paul L. & Marie Linney Trust Dated 10-25-96

Order Sustaining Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based Entirely Upon Investment In the Fiesta Oak Valley Loan; Except for Proof of Claim of Stoebling Family Trust and Notice of Status Conference in Stoebling Family Trust [DE 9543]:

- 10725-00994 Sterling, Tom

Order Sustaining Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Fiesta Oak Valley Loan [DE 9472]:

- 10725-00976 Leonard & Barbara Baker Revocable Trust

Order Sustaining Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Fiesta Oak Valley Loan [DE 9475]:

- 10725- 01582, Teeter, Norman

Order Sustaining Second Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Hesperia II Loan [DE 9485]:

- 10725-00893 Joyce E. Smith Trust Dated 11/3/99

Order Sustaining First Omnibus Objection of USACM Trust to Proofs of Claim Based Entirely Upon Investment in The HFA Loan [DE 9482]:

- 10725-00955 Handal, John A.
- 10725-01465 Handal John A.M.

Order Sustaining First Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The HFAH Clear Lake LLC Loan [DE 9502]:

- 10725-01532 Fine, Lewis H & Arlene J
- 10725-01235 Casey III, Richard F IRA



Order Sustaining Fifth Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The HFAH Clear Lake LLC Loan [DE 9506]:

- 10725-00231 Donald P. Clark Family Trust Dtd 10/25/94

Order Sustaining Third Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment in The Lerin Hills Loan [DE 9494]:

- 10725-00893 Joyce E. Smith Trust dated 11/3/99

Order Granting Motion of USACM Trust to Approve Proofs of Claim Based Upon Investment in The Placer II Loan [DE 8975]:

- 10725-00996 Tom, Sterling
- 10725-00844 Premiere Holdings Inc. Defined Benefit

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (AZ #018024)

Robert M. Charles, Jr.

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

xxxx No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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